Postal voting and electoral fraud

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Stuart Wilks-Heeg, 26 April 2011

Malpractice accusations are now almost part of the UK's election calendar. Every Spring, in the week or so before local elections, and just after the dispatch of postal ballot to voters, media reports of electoral fraud allegations begin to trickle in. Invariably, the vast majority of cases are reported to police forces in the metropolitan areas of England. Many of them concern incidents where party representatives have become involved in the handling of postal ballots.

(Credit: MrDx, CC BY-SA 2.0)

It's not especially surprising, therefore, that the first set of fraud allegations in 2011 should arise in the Rochdale area of Greater Manchester, where it is claimed that voters have been asked to hand their postal ballots, unmarked, to representatives of political parties, together with a signed and completed postal ballot declaration. Similar accusations of malpractice were made in Rochdale in 2010, and several areas of North West England have become 'hotspots' for fraud allegations since 'postal voting on demand' was introduced in 2000. In common with many recent electoral fraud allegations in the North West, Greater London and the West Midlands, the Rochdale case concerns the alleged practices of party representatives in wards with sizeable British Asian communities.

So, how widespread is electoral fraud? The simple truth is that nobody knows. There is no evidence to suggest that fraud is rife in British elections, but nobody can deny its existence. There have been at least 100 people convicted for electoral malpractice over the past 20 years, the great majority of them since 2000. As the chart below illustrates, the peak year was in 2004 – the year in which 'all postal' ballots were trialled at the combined European and local elections across four English regions. With the notable exception of the five men recently found guilty in Bradford for

malpractice during the 2005 General Election, these convictions relate to local elections – the vast bulk of them in England.

Persons found guilty of electoral malpractice in the UK, 2000-2010, by year of election.

Sources: Base data for 2000-07 is from Wilks-Heeg (2008), appendix C. Additional data from: Electoral Commission/ACPO (2008, 2009, 2010); Lords Hansard 26 October 2010, column 252w; Unlock Democracy – Stamp out Voting Fraud.

However, while convictions for electoral fraud are rare, accusations of malpractice are rather more widespread. The chart below shows that just over 100 separate cases were reported to police across Great Britain in 2008 and a further 50 in 2009. In 2010, the year of the last General Election, the figure soared to over 200. In the vast majority of cases, no further action was taken. From a total of 383 cases reported to police since 2008, there have been nine convictions, a dozen cautions and around 30 incidents of the police providing 'informal advice'.

Outcome of cases involving electoral malpractice allegations reported to the police, Great Britain, 2008-2010.

Sources: Derived from Electoral Commission/ACPO reports on electoral malpractice allegations (2009, 2010, 2011)

The emerging practice of the police issuing cautions or providing advice is partly a reflection of improved monitoring of potential electoral malpractice in recent years. However, the practice is also likely to reflect, at least in part, the problems raised where accusations centre on the handling of postal ballots by party workers.

It is not illegal for party representatives to handle postal ballots although there is a code of conduct, issued by the Electoral Commission which specifies, in fairly strong terms, that they should not do so. Yet, while the code of conduct make plain that party representatives should not solicit the collection of anyone's postal ballot, it also adds that there are specific circumstances in which a voter may ask a party representative to collect and return their ballot paper. For such cases, the code of conduct provides guidance on the steps to be followed.

If the Electoral Commission's code of conduct thereby makes the handling of postal ballots by party workers something of a grey area, it is important to note that the Commission does not make the law. Political parties have tended to resist any suggestion that handling postal ballots by party members should be defined a criminal offence. They are fond of quoting the hypothetical example of how such a law would criminalise the actions of a helpful 18-year old party member who has dropped in to see her elderly grandfather and offers to pop his completed postal ballot in the post box on her way home.

Youthful party activists are really too rare to be a problem. A more genuine concern, however, is that postal votes may lead to voters being disenfranchised. It is impossible to guarantee the secrecy of the ballot when voting makes place outside of a supervised polling place. The possibility that individual voters are pressured to vote a certain way by others in the household, or in the wider community, is all too obvious. Anecdotal evidence suggests that young people and women are most likely to be subject to such pressures, particularly in some migrant communities.

The current government is accelerating the introduction of individual voter registration as a measure to tackle electoral fraud. This reform will help guard against offences involving fraudulent registration of voters, but it will do little to guarantee the security of postal votes or the secrecy of the ballot for those who have been issued with one.

Postal voting on demand was introduced in 2000 in an attempt to increase turnout. Despite being adopted by around 20 per cent of regular voters, there is no evidence at all to suggest that postal votes increase electoral participation. Given the risks they pose, isn't it time to weigh up the relative costs and benefits of allowing any voter to request the right to vote by post?